IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7083 of 2005

Between:

1 Deen Dayal Trivedi, S/o. Munnalal Trivedi, Archakas of Sri Trinetra Hanuman Temple, Sahibnagar Village, Hayathnagar Mandal, Ranga Reddy District.
2 Nama Kishore Trivedi, S/o. Munnalal Trivedi, Archakas of Sri Trinetra Hanuman Temple, Sahibnagar Village, Hayathnagar Mandal, Ranga Reddy District.

..... PETITIONERS

AND

1 The Commissioner of Endowments, Boggulakunta, Tilak Road, Abids, Hyderabad.
2 The Assistant Commissioner of Endowments, Ranga Reddy District, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Order Writ or Direction more particularly one in the nature of Writ of Mandamus, declaring Proceedings RC.No.C/807/05, dt. 19-3-2005 of the 2nd respondent Asst. Commissioner of Endowments seeking to appoint a trust board to the petitioners Temple Sri Trinetra Hanuman Temple, Sahibnagar Village, Hayathnagar Mandal, Ranga Redy District as illegal, arbitrary and violative of Article 14 of the Constitution of India apart from violative of the provisions of Act 30/87 and in violation of principles of natural justice and pass other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.V.V.PRABHAKARA RAO

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioners seek a declaration that the proceedings in RC No. C/807/05 dated 19-3-2005 issued by the second respondent seeking to appoint a Trust Board to the petitioner's temple is illegal and arbitrary.

In earlier round of litigation, this Court on 25-03-2005 passed an interim order in W.P.M.P. No. 8137 of 2005 in W.P. No. 6126 of 2005, which reads as under:

> *"Prima facie, from the impugned order, no reasons for appointment of an Executive Officer are shown. Except basing on the report of the Regional Joint Commissioner, there is no other basis nor any irregularities pointed out against the petitioner.*
>
> *Therefore, prima facie, I feel it expedient to suspend the impugned order until further orders and the petitioners shall be continued to perform the affairs of the Management of the temple".*

The above interim order was passed in view of the fact that there were no reasons recorded for appointment of an Executive Officer. Further, the basis for appointment of an Executive Officer was the report of the Regional Joint Commissioner only and there were no irregularities pointed out against the petitioners. Under those circumstances, this Court passed the above interim order in the above WPMP.

Now, subsequently, it was brought to the notice of this Court that in order to circumvent the above said order, the respondents issued the proceedings dated 19.3.2005 wherein and whereby the new Trust Board was sought to be constituted under Section 15(3) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1986 and in respect of the temple.

This Court having felt that this proceeding was contrary to the interim directions already passed and which are positive in nature and hence called for the appearance of the second respondent who is present before this Court and expressed regrets, further stating that the said proceedings were issued unintentionally and not with a view to flout the orders of this court. It is further

submitted that in pursuance of the orders of this Court in the above WPMP, the notification for constitution of Trust Board to the temple, issued under the impugned proceedings dated
19-3-2005 have been withdrawn and submitted a copy of the letter to that effect, which has been made part of the record. In view of the above submissions, this Court is of the opinion that there is no necessity to continue the present matter and accordingly, proceedings have been recalled.

Having regard to the facts and circumstances of the case and also in view of the unconditional apology tendered by the second respondent, which was accepted, the writ petition is closed as nothing remains for adjudication.

Accordingly the writ petition is closed. No costs.

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kvsn 05-04-2005

To

1 The Commissioner of Endowments, Boggulakunta, Tilak Road, Abids, Hyderabad.

2 The Assistant Commissioner of Endowments, Ranga Reddy District, Hyderabad

3 Two CCs to GP for Endowments, High Court buildings, Hyderabad.

4 Two CD copies.